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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,452	02/09/2004	Paul Kimelman	550-517	3613

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EXAMINER

CERULLO, JEREMY S

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,452

Applicant(s)

KIMELMAN ET AL.

Examiner

Jeremy S. Cerullo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8 are pending in the following action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3 and 7 recite the limitation "...differing proportions of said priority level values may be allocated to said first portions and to said second portions." It is unclear what proportions are being differed. It may be a ration of the sizes of the first and second portions, or it may be the difference in size of a single portion between two system states. Therefore Claims 3 and 7 are considered indefinite and should be amended to clearly state what is to be claimed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,075,679 ("Christopher" et al.).

6. As for Claim 1, Christopher discloses an apparatus for processing data comprising: processing logic operable to perform processing operations subject to interruption by a plurality of peripheral interrupts (functionally equivalent to interrupt handling programs as claimed) (Column 32, Lines 30-67); a Input/Output Controller (IOC)(functionally equivalent to the nested interrupt controller as claimed) operable to control execution of the plurality of peripheral interrupts in response to their priority levels, each priority level divided into a first and a second portion (Column 32, Lines 51-67) (The first portion being the first octal digit, and the second portion being the second octal digit); the IOC operative to compare the first portion of the priority level value of a pending interrupt with the first portion of the priority level of an active interrupt to determine if the pending interrupt should pre-empt the active interrupt (Column 32, Lines 46-67); and the IOC is operative to order for activation the pending peripheral interrupts based on the first portion of their priority level values, but if the first portions of the priority levels are equivalent, the priority is determined based on the second portions of the priority levels (Column 32, Lines 51-67).

7. As for Claim 2, Christopher discloses that the first and second portions of the priority level values are contiguous. The two portions are contiguous octal digits (Column 32, Lines 51-67).

8. As for Claim 4, Christopher discloses that the first portion of the priority level designates a group of peripheral interrupts and the second portion designate ordering within the group (Column 32, Lines 51-67).

9. As for Claim 5, Christopher discloses an method for processing data comprising: processing logic operable to perform processing operations subject to interruption by a plurality of peripheral interrupts (functionally equivalent to interrupt handling programs as claimed) (Column 32, Lines 30-67); a Input/Output Controller (IOC)(functionally equivalent to the nested interrupt controller as claimed) controlling execution of the plurality of peripheral interrupts in response to their priority levels, each priority level divided into a first and a second portion (Column 32, Lines 51-67) (The first portion being the first octal digit, and the second portion being the second octal digit); the IOC comparing the first portion of the priority level value of a pending interrupt with the first portion of the priority level of an active interrupt to determine if the pending interrupt should pre-empt the active interrupt (Column 32, Lines 46-67); and the IOC ordering for activation the pending peripheral interrupts based on the first portion of their priority level values, but if the first portions of the priority levels are equivalent, the priority is determined based on the second portions of the priority levels (Column 32, Lines 51-67).

10. As for Claim 6, Christopher discloses that the first and second portions of the priority level values are contiguous. The two portions are contiguous octal digits (Column 32, Lines 51-67).

11. As for Claim 8, Christopher discloses that the first portion of the priority level designates a group of peripheral interrupts and the second portion designate ordering within the group (Column 32, Lines 51-67).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 6,295,553; U.S. Patent No. 6,539,448; U.S. Patent No. 6,578,964; and U.S. Patent No. 6,618,780.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy S. Cerullo whose telephone number is (571) 272-3634. The examiner can normally be reached on Monday - Thursday, 8:00-4:00; Alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on (571) 272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JSC



REHANA PERVEEN
PRIMARY EXAMINER
9/29/05